

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STARHOME GMBH,)
)
 Plaintiff,)
)
 vs.) C.A. No.
)
 AT&T MOBILITY LLC;)
 ROAMWARE, INC.; and)
 T-MOBILE USA, INC.,)
)
 Defendants.)

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Starhome GmbH for its Complaint against AT&T Mobility LLC, Roamware, Inc. and T-Mobile USA, Inc. hereby alleges as follows:

PARTIES

(1) Plaintiff Starhome GmbH ("Starhome") is incorporated under Swiss law and is registered with the Zurich Canton Chamber of Commerce with a principal place of business at Seefeldstrasse 25, Postfach 262, 8024 Zurich, Switzerland.

(2) Upon information and belief, defendant AT&T Mobility LLC ("ATTM") is a Delaware corporation with its principal place of business at 5565 Glenridge Connector, Atlanta, Georgia 30349.

(3) Upon information and belief, defendant Roamware, Inc. ("Roamware") is a Delaware corporation with its principal place of business at 3031 Tisch Way Suite 1000, San Jose, California 95128.

(4) Upon information and belief, defendant T-Mobile USA, Inc. ("T-Mobile") is a Delaware corporation with its principal place of business at 19920 Southeast 38th Street, Bellevue, Washington 98006.

JURISDICTION AND VENUE

(5) This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.*, and, accordingly, subject matter jurisdiction of this Court exists under 28 U.S.C. §§ 1331 and 1338(a).

(6) Venue is proper within this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

FACTS

(7) In 1999, Mr. Shlomo Wolfman co-founded Starhome, which develops, markets, sells and distributes wireless telephone service mobility solutions that enhance international roaming. After years of development and testing, Starhome introduced a set of novel wireless telephone service mobility solutions that enable wireless operators to generate new revenues and to improve profitability by streamlining network efficiencies, facilitating seamless roaming, and by providing a wide range of services to subscribers traveling outside their home network. Starhome's wireless service mobility solutions were the brainchild of Mr. Wolfman, Ory Biran and Carmel Sofer. Working with Mr. Sofer and Mr. Biran, Mr. Wolfman solved the problems then confronting the nascent international mobile telephone services industry. The solutions were described in the two (2) patents discussed in paragraph (8) below. Starhome implemented and commercialized embodiments of these inventions, providing services to over 178 mobile operators worldwide. Starhome has also continued to explore and develop technologies in the wireless telephone industry.

(8) Starhome is the assignee of the following issued United States Patents: United States Patent No. 6,920,487 ("487 patent") entitled "System and Methods for Global Access to Services for Mobile Telephone Subscribers," which was duly issued by the U.S. Patent and Trademark Office ("Patent Office") on July 19, 2005 (Ex. A); United States Patent No. 7,231,431 ("431 Patent"), entitled "System and Methods for Global Access to Services for Mobile Telephone Subscribers," which was duly issued by the Patent Office on June 12, 2007 (Ex. B). The claims of the '487 and '431 Patents are presumed valid under 35 U.S.C. § 282.

(9) Upon information and belief, ATTM makes, uses, offers to sell, or sells within the United States (including its territorial possessions), supplies or causes to be supplied in or from the United States, products, methods and/or services relating to international roaming wireless telephone services to subscribers. ATTM's platform for supplying these products, methods or services is based on systems and/or services supplied by ATTM, and/or to ATTM by providers including, but not limited to, Roamware.

(10) Upon information and belief, Roamware makes, uses, offers to sell, or sells within the United States (including its territories or possessions) or supplies or causes to be supplied in or from the United States, products, methods or services relating to supplying international roaming wireless telephone services to telecommunications companies and/or carriers including, but not limited to, ATTM and/or T-Mobile.

(11) Upon information and belief, T-Mobile makes, uses, offers to sell, or sells within the United States (including its territorial possessions), supplies or causes to be supplied in or from the United States, products, methods and/or services relating to international roaming wireless telephone services to subscribers. T-Mobile's platform for supplying these products, methods or

services is based on systems and/or services supplied by T-Mobile, and/or to T-Mobile by providers including, but not limited to, Roamware.

COUNT I: INFRINGEMENT OF THE '487 PATENT

(12) Starhome incorporates and realleges the allegations contained in paragraphs (1) through (11) of its Complaint as though fully set forth herein.

(13) Upon information and belief, ATTM's, Roamware's and/or T-Mobile's individual and/or joint activities with respect to at least products, methods, services and/or systems described in paragraphs (7), (8), (9), (10) and/or (11) of this Complaint have infringed and continue to infringe the '487 Patent under any of 35 U S C §§ 271 (a), (b) or (c), either directly or by the doctrine of equivalents.

(14) Upon information and belief, the infringing acts by ATTM, Roamware and/or T-Mobile of manufacturing, using, selling, importing, and/or offering for sale, at least the products, methods, services and/or systems described in paragraphs (7), (8), (9), (10) and/or (11) of this Complaint, and claimed in the '487 Patent, have occurred throughout the United States, including within this judicial district.

(15) Upon information and belief, ATTM, Roamware and/or T-Mobile will continue to infringe the '487 Patent unless enjoined by this Court.

(16) Upon information and belief, ATTM's, Roamware's and/or T-Mobile's infringement of the '487 Patent is, has been, and continues to be willful and deliberate, and without regard for Starhome's property rights in the '487 Patent.

(17) As a direct and proximate result of ATTM's, Roamware's and/or T-Mobile's willful infringement of the '487 Patent, Starhome has been damaged to an extent not yet determined.

(18) Starhome is entitled to monetary damages adequate to compensate it for the infringement; is entitled to increased damages under 35 U S C § 284, together with interest, costs and attorneys' fees; and is entitled to injunctive relief enjoining ATTM, Roamware and/or T-Mobile from further infringement of the '487 Patent.

COUNT II: INFRINGEMENT OF THE '431 PATENT

(19) Starhome incorporates and realleges the allegations contained in paragraphs (1) through (18) of its Complaint as though fully set forth herein.

(20) Upon information and belief, ATTM's, Roamware's and/or T-Mobile's individual and/or joint activities with respect to at least the products, methods, services and/or systems described in paragraphs (7), (8), (9), (10) and/or (11) of this Complaint have infringed and continue to infringe the '431 Patent under any of 35 U S C §§ 271 (a), (b) and/or (c), either directly or by the doctrine of equivalents.

(21) Upon information and belief, the infringing acts by ATTM, Roamware and/or T-Mobile of manufacturing, using, selling, importing, and/or offering for sale, at least the products, methods, services and/or systems described in paragraphs (7), (8), (9), (10) and/or (11) of this Complaint, and claimed in the '431 Patent, have occurred throughout the United States, including within this judicial district.

(22) Upon information and belief, ATTM, Roamware and/or T-Mobile will continue to infringe the '431 Patent unless enjoined by this Court.

(23) Upon information and belief, ATTM's, Roamware's and/or T-Mobile's infringement of the '431 Patent is, has been, and continues to be willful and deliberate, and without regard for Starhome's property rights in the '431 Patent.

(24) As a direct and proximate result of ATT M's, Roamware's and/or T-Mobile's willful infringement of the '431 Patent, Starhome has been damaged to an extent not yet determined.

(25) Starhome is entitled to money damages adequate to compensate it for the infringement; is entitled to increased damages under 35 U S C §§ 284, together with interest, costs and attorneys' fees; and is entitled to injunctive relief enjoining ATT M, Roamware and/or T-Mobile from further infringement of the '431 Patent.

PRAYER FOR RELIEF

WHEREFORE, Starhome requests all legal and equitable relief as may be recoverable for the foregoing offenses, including:

(a) a judgment that ATT M, Roamware and/or T-Mobile, individually and/or jointly, infringe the claims of the '487 and '431 Patents;

(b) an injunction enjoining ATT M, Roamware and/or T-Mobile and those in active concert or participation with them, from individually and/or jointly infringing the '487 and '431 Patents;

(c) an accounting for, damages arising from the infringement of the '487 and/or '431 Patents by ATT M, Roamware and/or T-Mobile and those in privity with any of the Defendants;

(d) an award of damages adequate to compensate for the infringement of the '487 and/or '431 Patents, in no event less than a reasonable royalty, together with pre-judgment and post-judgment interest thereon, and costs fixed by the Court, as provided by 35 U.S.C. § 284;

(e) a judgment that ATT M's, Roamware's and/or T-Mobile's infringement of the '487 and/or '431 Patents was and is willful, and an award to Starhome of increased damages in accordance with 35 U S C § 284;

(f) a declaration that this is an exceptional case and that Starhome be granted its reasonable attorneys' fees in accordance with 28 U.S.C. § 285; and

(g) a grant to Starhome of any such other relief as the Court may deem just, equitable or proper.

DEMAND FOR JURY TRIAL

Starhome demands a trial by jury for all claims and issues triable by jury pursuant to Federal Rule of Civil Procedure 38.

Dated: May 25, 2010


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